

Exhibit 3

Blue Spike – Monitoring and Analyzing Signals – U.S. Patent 7,346,472

Preliminary Infringement Claim Chart

Claim	Audible Magic Content Recognition Technology, including its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions
<p>1. A method for monitoring and analyzing at least one signal comprising:</p>	<p>Audible Magic’s content recognition technology (“AM’s CRT”)—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution (“method”) for monitoring, identifying, and measuring (“analyzing and identifying”) audio and video content (“at least one signal”).</p> <p>About Audible Magic</p> <p>Our mission is to deliver the most trusted and accurate <u>content identification technology</u> and solution services on the market.</p> <p>As the industry pioneer, Audible Magic is recognized as the de facto leader in monetizing, protecting, measuring, and verifying content — in all their forms, including radio and television broadcasts, Internet and satellite streams, stored digital files, consumer devices and via network file transfers.</p> <p>Innovative and massively scalable, Audible Magic's patented "fingerprinting" technology accurately tracks and monitors the detection of copyrighted material or any other audio or video-based content. Coupled with our unique and dynamic database of more than 11 million digital fingerprints, Audible Magic's CopySense® products and technology provide copyright-sensitive identification that weeds out the noise and yields highly accurate tracking of your copyrighted content.</p> <p>Our technology has paved the way for a wide - and growing - range of solutions in media identification and ad detection, compliance, monetization and management, anti-piracy, content registration, and litigation support. And each year, more customers recognize Audible Magic as a brand they can trust.</p> <p>See Exhibit 1, Audible Magic’s “About” webpage, http://audiblemagic.com/company.php (emphasis added).</p>

<p>reference signal comprises:</p> <p>using a portion of said at least one reference signal to create an abstract of said at least one reference signal; and</p> <p>the step of creating an abstract of said at least one query signal comprises:</p> <p>using a portion of said at least one query signal to create an abstract of said at least one query signal.</p>	<p>find a match indicates infringement.</p> <p>Identification is possible with audio clips as short as 10 seconds. Identification rates are in excess of 99% with zero false positives. Transaction requests can achieve sub-second response time, enabling massive scaling, even with reference databases in excess of 1 million hours of content.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>
<p>3. A method for monitoring and analyzing at least one signal comprising:</p>	<p>Audible Magic's content recognition technology ("AM's CRT")—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution ("method") for monitoring, identifying, and measuring ("analyzing and identifying") audio and video content ("at least one signal").</p> <p>About Audible Magic</p> <p>Our mission is to deliver the most trusted and accurate <u>content identification technology</u> and solution services on the market.</p> <p>As the industry pioneer, Audible Magic is recognized as the de facto leader in monetizing, protecting, measuring, and verifying content — in all their forms, including radio and television broadcasts, Internet and satellite streams, stored digital files, consumer devices and via network file transfers.</p> <p>Innovative and massively scalable, Audible Magic's patented "fingerprinting" technology accurately tracks and monitors the detection of copyrighted material or any other audio or video-based content. Coupled with our unique and dynamic database of more than 11 million digital fingerprints, Audible Magic's CopySense® products and technology provide copyright-sensitive identification that weeds out the noise and yields highly accurate tracking of your</p>

copyrighted content.

Our technology has paved the way for a wide - and growing - range of solutions in media identification and ad detection, compliance, monetization and management, anti-piracy, content registration, and litigation support. And each year, more customers recognize Audible Magic as a brand they can trust.

See Exhibit 1, Audible Magic's "About" webpage, <http://audiblemagic.com/company.php> (emphasis added).

User Generated Content Services

Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.

Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <http://audiblemagic.com/solutions-maincompliance.php> (emphasis added).

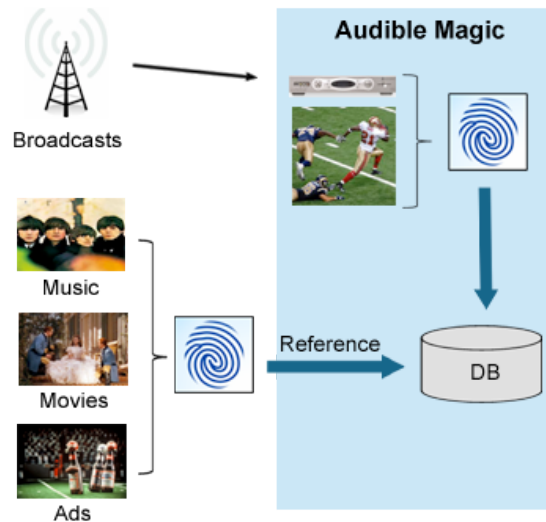
Broadcast Monitoring

Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is

	<p><u>being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
receiving at least one reference signal to be monitored;	<p>AM’s CRT receives content (“at least one reference signal”) to be monitored.</p> <p>User Generated Content Services</p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, http://audiblemagic.com/solutions-maincompliance.php (emphasis added).</p>
creating an abstract of said at least one reference signal;	<p>AM’s CRT generates a fingerprint (“creat[es] an abstract”) from the content (“reference signal”).</p> <p>Robust SmartID and CopySense Technology</p>

Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.

See Exhibit 4, Audible Magic's "Technology Overview" webpage, <http://audiblemagic.com/technology.php> (emphasis added).



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storing the abstract of said at least one reference signal in a reference database;

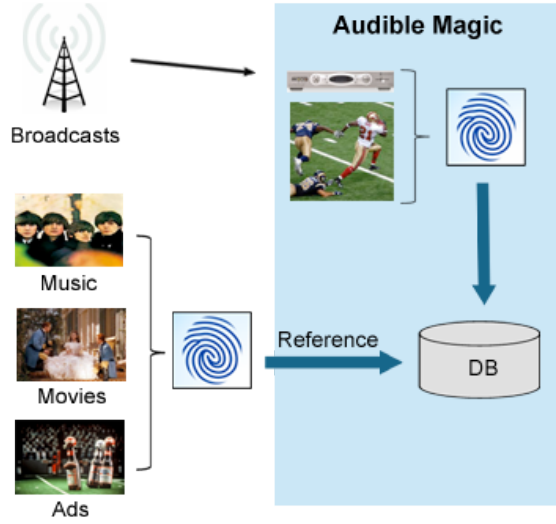
AM's CRT stores the fingerprint of the content ("abstract of said at least one reference signal") in a database called the Global Rights Registry ("a reference database").

User Generated Content Services

Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs

	<p>that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, http://audiblemagic.com/solutions-maincompliance.php (emphasis added).</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property.</p>
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	<p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>receiving at least one query signal to be analyzed;</p>	<p>AM’s CRT receives unknown content (“at least one query signal”) to be identified (“analyzed”).</p> <p>Broadcast Monitoring</p> <p><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology.</u> This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php</p>

	(emphasis added).
creating an abstract of said at least one query signal;	<p>AM's CRT generates a fingerprint ("creat[es] an abstract") from the unknown content ("query signal").</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>  <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>

<p>comparing the abstract of said at least one query signal to the abstract of said at least one reference signal to determine if the abstract of said at least one query signal matches the abstract of said at least one reference signal;</p>	<p>AM's CRT compares the fingerprint of the unknown content ("abstract of said at least one query signal") to the fingerprint of the monitored content ("abstract of said at least one reference signal") to determine if they match.</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then <u>matched</u> to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to <u>accurately identify content</u> using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>
<p>creating at least one counter corresponding to one of said at least one reference signals, said at least one counter being representative of the number of</p>	<p>On information and belief, AM's CRT also creates at least one counter corresponding to one of said plurality of reference signals, said at least one counter being representative of the number of times a match is found between the abstract of said at least one query signal and an abstract of one of said plurality of reference signals. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p>

<p>times a match is found between the abstract of said at least one query signal and the abstract of said at least one reference signal; and</p>	<p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to <u>determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>incrementing the counter corresponding to a particular reference signal when a match is found between an abstract of said at least one query signal and the abstract of the particular reference signal.</p>	<p>On information and belief, AM’s CRT also increments the counter corresponding to a particular reference signal when a match is found between an abstract of said at least one query signal and the abstract of the particular reference signal. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to <u>determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php</p>

	(emphasis added).
<p>4. The method of claim 3 further comprising:</p> <p>recording an occurrence of a match between the abstract of said at least one query signal and the abstract of said at least one reference signal; and</p> <p>generating a report that identifies the reference signal whose abstract matched the abstract of said at least one query signal.</p>	<p>As established above, AM's CRT infringes Claim 3, and, on information and belief, further comprises recording an occurrence of a match between the abstract of said at least one query signal and the abstract of said at least one reference signal and generating a report that identifies the reference signal whose abstract matched the abstract of said at least one query signal. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p style="text-align: center;">Broadcast Monitoring</p> <p><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly <u>identify the content</u> as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>5. The method of claim 4, further comprising:</p> <p>recording an occurrence of a match between the abstract of said at least one query signal and the abstract of said at least one reference signal.</p>	<p>As established above, AM's CRT infringes Claim 3, and, on information and belief, further comprises recording an occurrence of a match between the abstract of said at least one query signal and the abstract of said at least one reference signal. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p style="text-align: center;">Broadcast Monitoring</p> <p><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is</u></p>

<p>7. The method of claim 6, wherein the step of creating an abstract of said at least one reference signal comprises:</p> <p>using a portion of said at least one reference signal to create an abstract of said at least one reference signal;</p> <p>and the step of creating an abstract of said at least one query signal comprises:</p> <p>using a portion of said at least one query signal to create an abstract of said at least one query signal.</p>	<p>As established above, AM's CRT infringes Claim 6, and, on information and belief, can create the reference signal abstracts and query signal abstracts using only a portion of the reference and query signals. Further discovery will be needed to chart the infringing instrumentality, but the fact that the system requires only a few seconds of content to find a match indicates infringement.</p> <p>Identification is possible with audio clips as short as 10 seconds. Identification rates are in excess of 99% with zero false positives. Transaction requests can achieve sub-second response time, enabling massive scaling, even with reference databases in excess of 1 million hours of content.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>
<p>8. A method for monitoring a plurality of reference signals, comprising:</p>	<p>Audible Magic's content recognition technology ("AM's CRT")—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution ("method") for monitoring, identifying, and measuring ("monitoring") audio and video content ("a plurality of reference signals").</p> <p>About Audible Magic</p> <p>Our mission is to deliver the most trusted and accurate <u>content identification technology</u> and solution services on the market.</p> <p>As the industry pioneer, Audible Magic is recognized as the de facto leader in monetizing, protecting, measuring, and verifying content — in all their forms, including radio and television broadcasts, Internet and satellite streams, stored digital files, consumer devices and via network file transfers.</p> <p>Innovative and massively scalable, Audible Magic's patented "fingerprinting" technology accurately tracks and monitors the detection of copyrighted material or any other audio or</p>

video-based content. Coupled with our unique and dynamic database of more than 11 million digital fingerprints, Audible Magic's CopySense® products and technology provide copyright-sensitive identification that weeds out the noise and yields highly accurate tracking of your copyrighted content.

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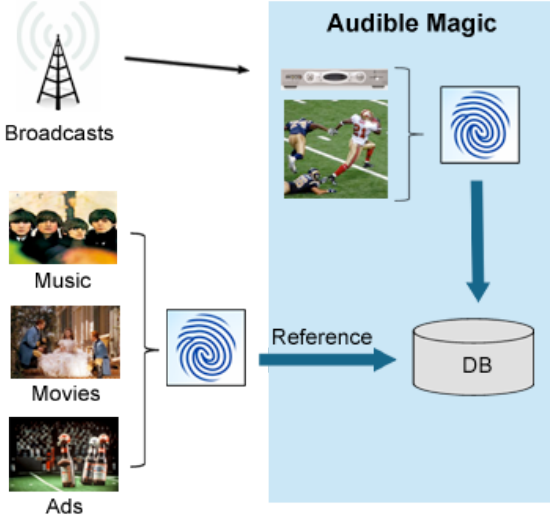
Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <http://audiblemagic.com/solutions-maincompliance.php> (emphasis added).

Broadcast Monitoring

Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This

	<p>perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to <u>determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
creating an abstract for each of the plurality of reference signals;	<p>AM's CRT generates a fingerprint ("creat[es] an abstract") from the content ("each of the plurality of reference signals").</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "<u>digital fingerprint-based</u>" technology to accurately identify content using audio signals. Identification is based on the <u>perceptual characteristics</u> of the audio itself which allows it to <u>accurately identify content</u> across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>

	 <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>storing each of said abstracts in a reference database;</p>	<p>AM’s CRT stores the fingerprint of the content (“each of said abstracts”) in a database called the Global Rights Registry (“a reference database”).</p> <p>User Generated Content Services</p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable</p>

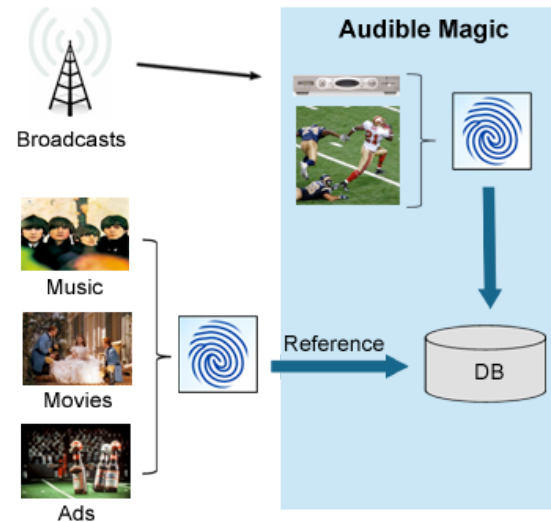
content substitution, purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

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Broadcast Monitoring

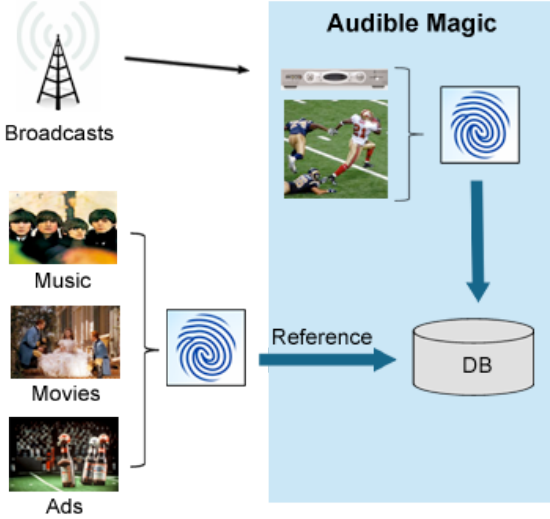
Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.

The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a **reference database of fingerprints** to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property.



See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, <http://audiblemagic.com/solutions-broadcast.php> (emphasis added).

receiving at least one query signal to be analyzed;	<p>AM's CRT receives unknown content ("at least one query signal") to be identified ("analyzed").</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
creating an abstract of each of the at least one query signals;	<p>AM's CRT generates a fingerprint ("creat[es] an abstract") from the unknown content ("each of the at least one query signals").</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>

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<p>locating an abstract in the reference database that matches the abstract of each at least one query signal;</p>	<p>AM’s CRT compares the fingerprint of the unknown content (“abstract of said at least one query signal”) to the fingerprint of the monitored content (“abstract of said at least one reference signal”) to determine if they match—<i>i.e.</i>, locates an abstract in the reference database that matches the abstract of each at least one query signal.</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then <u>matched</u> to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p>

	<p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic’s “Technology Overview” webpage, http://audiblemagic.com/technology.php (emphasis added).</p>
recording the identity of the reference signal whose abstract matched the abstract of each at least one query signal;	<p>AM’s CRT then identifies (“record[s] the identity of”) the content (“reference signal”) whose fingerprint (“abstract”) matched the fingerprint of the unknown content (“abstract of each at least one query signal”)</p> <p>Broadcast Monitoring</p> <p><u>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
creating at least one counter corresponding to one of said	<p>On information and belief, AM’s CRT also creates at least one counter corresponding to one of said plurality of reference signals, said at least one counter being representative of the number of times a match is found between the</p>

<p>plurality of reference signals, said at least one counter being representative of the number of times a match is found between the abstract of said at least one query signal and an abstract of one of said plurality of reference signals; and</p>	<p>abstract of said at least one query signal and an abstract of one of said plurality of reference signals. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to <u>determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly <u>identify the content</u> as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>incrementing the counter corresponding to a particular reference signal when a match is found between an abstract of said at least one query signal and the abstract of the particular reference signal.</p>	<p>On information and belief, AM's CRT also increments the counter corresponding to a particular reference signal when a match is found between an abstract of said at least one query signal and the abstract of the particular reference signal. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to <u>determine precisely when, where and how their content is being used.</u></p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly <u>identify the content</u> as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the</p>

<p>10. The system of claim 9, wherein the controller includes a means to adjust compression rates at which the processor processes a signal to create an abstract.</p>	<p>As established above, AM's CRT infringes Claim 9 and, on information and belief, includes a means to adjust compression rates at which the processor processes a signal to create an abstract. Further discovery will be needed to chart the infringing instrumentality.</p>
<p>11. A computerized system for monitoring and analyzing at least one signal:</p>	<p>Audible Magic's content recognition technology ("AM's CRT")—found, on information and belief, in its SmartID, CopySense Appliance, CopySense Custom, CopySense Premier, Live TViD, Music-Speech iD, SmartSync, and RepliCheck products and solutions—is a software- and computer-based solution ("computerized system") for monitoring, identifying, and measuring ("monitoring and analyzing") audio and video content ("at least one signal").</p> <p>About Audible Magic</p> <p>Our mission is to deliver the most trusted and accurate <u>content identification technology</u> and solution services on the market.</p> <p>As the industry pioneer, Audible Magic is recognized as the de facto leader in monetizing, protecting, measuring, and verifying content — in all their forms, including radio and television broadcasts, Internet and satellite streams, stored digital files, consumer devices and via network file transfers.</p> <p>Innovative and massively scalable, Audible Magic's patented "fingerprinting" technology accurately tracks and monitors the detection of copyrighted material or any other audio or video-based content. Coupled with our unique and dynamic database of more than 11 million digital fingerprints, Audible Magic's CopySense® products and technology provide copyright-sensitive identification that weeds out the noise and yields highly accurate tracking of your copyrighted content.</p> <p>Our technology has paved the way for a wide - and growing - range of solutions in media identification and ad detection, compliance, monetization and management, anti-piracy, content registration, and litigation support. And each year, more customers recognize Audible Magic as a brand they can trust.</p> <p>See Exhibit 1, Audible Magic's "About" webpage, http://audiblemagic.com/company.php (emphasis added).</p>

User Generated Content Services

Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.

Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

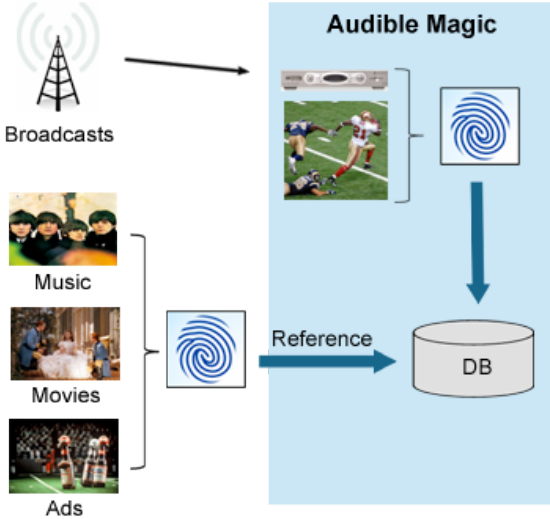
See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, <http://audiblemagic.com/solutions-maincompliance.php> (emphasis added).

Broadcast Monitoring

Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.

The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property

See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, <http://audiblemagic.com/solutions-broadcast.php>

	(emphasis added).
a processor that creates an abstract of a signal using selectable criteria;	<p>AM's CRT includes a processor (it is obvious to anyone skilled in the art that a processor is used to execute the technology's algorithms, "a first processor") that generates a fingerprint ("creates an abstract") from a piece of content ("signal"). On information and belief, the abstracts are created using selectable criteria. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to accurately identify content using audio signals. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file hashes. It is also immune to many typical transformations.</p> <p>See Exhibit 4, Audible Magic's "Technology Overview" webpage, http://audiblemagic.com/technology.php (emphasis added).</p>  <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php</p>

	(emphasis added).
a first input that receives at least one reference signal to be monitored, said first input being coupled to said processor such that said processor may generate an abstract for each reference signal input to said processor;	<p>AM's CRT includes an input (it is obvious to anyone skilled in the art that an input must be used to receive content, "a first input") that receives content ("at least one reference signal") to be monitored. As is obvious to anyone skilled in the art, the first input is coupled to the processor so that the processor can generate an abstract for each reference signal input to it.</p> <p>User Generated Content Services</p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p> <p>Turn to Audible Magic's turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content. Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by content identification technology. Add our metadata to enhance the user experience.</p> <p>See Exhibit 2, Audible Magic's "Copyright Compliance" webpage, http://audiblemagic.com/solutions-maincompliance.php (emphasis added).</p>
a reference database, coupled to said processor, that stores abstracts of each at least one reference signal;	<p>AM's CRT includes a database called the Global Rights Registry ("a reference database") that stores the fingerprints ("abstracts") of the content it monitors ("at least one reference signal"). As is obvious to anyone skilled in the art, the reference database is coupled to the processor.</p> <p>User Generated Content Services</p> <p>Respecting copyrights for music, movies and televisions is a big deal. Copyright owners are more willing to license content and help you monetize your services when you implemented programs that respect copyrights. It also helps minimize legal problems.</p>

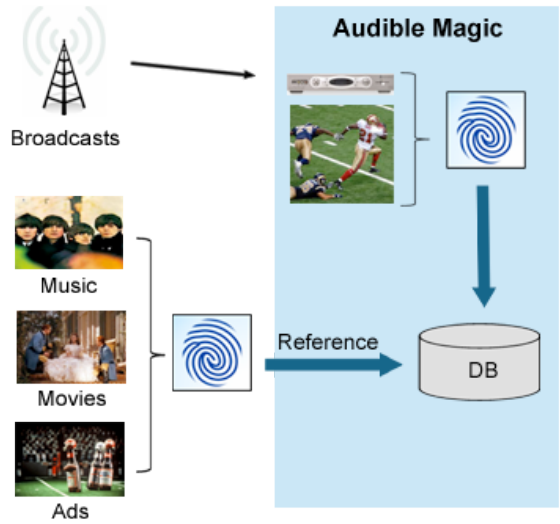
Turn to Audible Magic’s turnkey compliance and filtering solutions for highly accurate, automated copyright recognition (ACR) to help eliminate risk and respect copyrighted works. Recognize master recordings of major music and indie record labels as well as movie and television studios using our digital fingerprinting technology. Copyright owners, such as music labels and movie and TV studios register their content they want protected directly with Audible Magic. **This content is included in our Global Rights Registry™ that contains more than 12 million fingerprints, and represents over 900,000 hours of copyrighted songs, movies, television shows, and other video content.** Audible Magic services are often the prerequisite for licensing content. Enable content substitution, purchase link or allow advertising on user content identified by **content identification technology**. Add our metadata to enhance the user experience.

See Exhibit 2, Audible Magic’s “Copyright Compliance” webpage, <http://audiblemagic.com/solutions-maincompliance.php> (emphasis added).

Broadcast Monitoring

Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.

The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to **a reference database of fingerprints** to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property.

	 <p>See Exhibit 3, Audible Magic's "Broadcast Monitoring" webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>a second input that receives at least one query signal to be analyzed, said second input being coupled to said processor such that said processor may generate an abstract for each query signal;</p>	<p>AM's CRT includes an input (it is obvious to anyone skilled in the art that an input must be used to receive the unknown content, "a second input") that receives unknown content ("at least one query signal") to be identified ("analyzed"). As is obvious to anyone skilled in the art, the second input is coupled to the processor so that the processor can generate an abstract from each query signal.</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic's Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then matched to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the</p>

	<p>rights of your intellectual property</p> <p><i>See</i> Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p>
<p>a comparing device, coupled to said reference database and to said second input, that compares an abstract of said at least one query signal to the abstracts stored in the reference database to determine if the abstract of said at least one query signal matches any of the stored abstracts, wherein the comparing device identifies at least two abstracts in the reference database that match the abstract of said at least one query signal and an index of relatedness to said at least one query signal for each of said at least two matching abstracts.</p>	<p>AM’s CRT includes a device (“a comparing device,” coupled to the reference database and the second input) that compares the fingerprints created from the unknown content (“abstract of said at least one query signal”) to the fingerprints in the reference database (“abstract stored in the reference database”) to determine if there is a match. On information and belief, the comparing device identifies at least two abstracts in the reference database that match the abstract of said at least one query signal and creates an index of relatedness to said at least one query signal for each of said at least two matching abstracts. Further discovery will be needed to chart the infringing instrumentality, but the following indicates infringement:</p> <p>Broadcast Monitoring</p> <p>Detect music or advertising content as it is broadcast over radio, television, cable and satellite using Audible Magic’s Automated Content Recognition (ACR) technology. This perceptual digital fingerprinting technology enables news studios, sport organizations, TV syndications and advertisers to determine precisely when, where and how their content is being used.</p> <p>The fingerprint technology uses very fast and fine-grained measurements of the content, which is then <u>matched</u> to a reference database of fingerprints to quickly identify the content as it is being broadcast. This gives you the ability to quickly measure the effectiveness of your advertising, confirm market penetration by comparing different forms of broadcast medium, and manage the rights of your intellectual property</p> <p><i>See</i> Exhibit 3, Audible Magic’s “Broadcast Monitoring” webpage, http://audiblemagic.com/solutions-broadcast.php (emphasis added).</p> <p>Robust SmartID and CopySense Technology</p> <p>Audible Magic's patented SmartID and CopySense automated content recognition (ACR) uses "digital fingerprint-based" technology to <u>accurately identify content using audio signals</u>. Identification is based on the perceptual characteristics of the audio itself which allows it to accurately identify content across file formats, codecs, bitrates, and compression techniques. This approach is highly accurate and requires no dependence on metadata, watermarks or file</p>